

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEFINA BENITEZ, ZION BRERETON, ALICIA
LEARMONT, JAMES CHOI, and ANDREYA
CRAWFORD, individually and on behalf of all others
similarly situated,

Plaintiff,

-against-

VALENTINO U.S.A., INC,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/7/2020

1:19-cv-11463-MKV

ORDER

The Court held an Initial Pretrial Conference in this case on October 7, 2020. This order memorializes the Court's rulings at the conference.

Plaintiffs have moved pursuant to Federal Rule of Civil Procedure 25 to substitute as Plaintiff the estate of Plaintiff Josefina Benitez, following her death. *See* ECF #37. The Motion is GRANTED. The Court notes that Defendant has reserved its right to object to the estate's participation in the case, if such an objection becomes appropriate.

Plaintiffs intend to file a motion for conditional certification of a collective action under the Fair Labor Standards Act ("FLSA"). The motion must be filed by November 4, 2020. Any opposition to the conditional certification motion must be filed by November 18, 2020. Any reply must be filed by November 25, 2020.

Discovery should commence immediately. The Parties should exchange initial disclosures within 14 days of this order. The deadline for fact discovery is April 5, 2021. Initial Requests for Production of Documents and Interrogatories should be served no later than December 15, 2020.

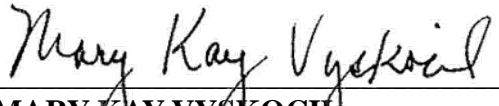
Finally, Defendant has asserted that Plaintiff Learmont and her counsel are in possession of privileged documents retained by her following termination of her employment. By October

7, 2020, Defendant must identify any documents of which it is aware that are in possession of Plaintiff Learmont (or her counsel) which Defendant contends are privileged. Plaintiff shall return all documents which are so identified, or which previously have been identified, or which, as officers of the Court, counsel knows to be subject to a claim of privilege by October 14, 2020. To the extent the documents are later subject to discovery requests, any objections regarding withholding should be raised in discovery motions consistent with the Court's Individual Practices. Plaintiff and her counsel are warned that until there is a ruling from the Court that the documents are not subject to any privilege or that privilege has been waived, any document over which there is a claim of privilege shall not be disseminated, disclosed or used in any manner.

On the consent of both Parties, the Court defers ruling on the issues related to mediation until after a ruling on Plaintiffs' motion for conditional certification.

SO ORDERED.

Date: October 7, 2020
New York, NY


MARY KAY VYSKOCIL
United States District Judge